



UNITED STATES PATENT AND TRADEMARK OFFICE

W/10
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,593	04/13/2001	Martin Philip Usher	11696. 0059	5641
27890	7590	02/08/2006	EXAMINER	
STEPTOE & JOHNSON LLP 1330 CONNECTICUT AVENUE, N.W. WASHINGTON, DC 20036			MILLER, BRANDON J	
		ART UNIT	PAPER NUMBER	
			2683	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/833,593	USHER ET AL.	
	Examiner	Art Unit	
	Brandon J. Miller	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 December 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 13-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 13-24 and 26-30 is/are allowed.
- 6) Claim(s) 31-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 April 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Response to Amendment

Allowable Subject Matter

Claims 13, 19, 26, and 29 contain allowable subject matter and claims 14-18, 20-24, 27-28, and 30 contain allowable subject matter based on their dependence of independent claims 13, 19, 26, and 29 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warburton in view of Martensson.

Regarding claim 31 Warburton teaches a method for forwarding incoming telephone communications (see paragraph [0038]). Warburton teaches diverting an incoming call based on divert instructions associated with a telephone number (see paragraph [0038]). Warburton does not specifically teach considering a state of a telephone associated with a telephone number as busy, regardless of an actual state of the telephone. Martensson teaches considering a state of a telephone associated with a telephone number as busy, regardless of an actual state of the telephone (see abstract, col. 6, lines 5-13, and FIG. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include considering a state of a telephone associated with a telephone number as busy, regardless of an

actual state of the telephone because the divert instructions associated with a telephone number can be divert on busy instructions and it would allow for an improved function setting mode of a portable telephone.

Regarding claim 32 Warburton and Martensson teach a device as recited in claim 31 except for receiving a request to divert incoming calls for the telephone number; and the considering is in response to the receiving. Warburton does teach receiving a request to divert incoming calls for the telephone number (see paragraph [0038]). Martensson does teach considering that is in response to receiving a request (see abstract, col. 6, lines 5-13, and FIG. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving a request to divert incoming calls for the telephone number; and the considering is in response to the receiving because this would allow for an improved function setting mode of a portable telephone.

Regarding claim 33 Warburton teaches a request identifies one of a location, a communication system, or a telephone number that incoming calls are to be directed to (see paragraph [0038]).

Regarding claim 34 Warburton and Martensson teach a device as recited in claim 32 except for associating in response to a request, a primary diversion instruction with the telephone number. Warburton does teach diversion instructions associated with a telephone number (see paragraph [0038]). Martensson does teach associating, in response to a request, a primary instruction with a telephone (see abstract, col. 6, lines 5-13, and FIG. 5). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include associating in response to a request, a primary diversion instruction with the

telephone number because this would allow for an improved function setting mode of a portable telephone.

Claims 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Warburton in view of Martensson and Kraft.

Regarding claim 35 Warburton and Martensson teach a device as recited in claim 34 except for modifying any existing divert on busy instructions associated with the telephone number to accommodate the primary diversion instruction. Kraft teaches selecting one of a plurality of possible phone settings associated with the telephone to accommodate a first diversion instruction (see col. 2, lines 60-65, col. 3, lines 38-45, and TABLE 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include modifying any existing divert on busy instructions associated with the telephone number to accommodate the primary diversion instruction because this would allow for an improved function setting mode of a portable telephone.

Regarding claim 36 Warburton and Martensson teach a device as recited in claim 34 except for the primary divert instruction supercedes any existing divert on busy instruction. Kraft teaches a first divert instruction that comes before the selection of any divert phone setting (see col. 2, lines 60-65, col. 3, lines 38-45, and TABLE 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include the primary divert instruction supercedes any existing divert on busy instruction because this would allow for an improved function setting mode of a portable telephone.

Response to Arguments

Applicant's arguments with respect to claims 31-36 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lanzerotti U.S Patent No. 6,324,398 discloses a wireless telecommunications system having airborne base station.

Capone et al. U.S. Patent No. 6,393,281 discloses a seamless hand-off for air-to-ground systems.

Gilhousen U.S Patent No. 5,559,865 discloses an airborne radiotelephone communications system.

Malik U.S Patent No. 6,252,954 discloses a system and method for delaying the ringing of a line.

Young et al. U.S. Patent No. 6,324,405 B1 discloses communication apparatus and method for mobile platforms having a plurality of users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


January 24, 2006


WILLIAM T. TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600